

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.)
)
 HABEEB ADEOLA AZEEZ)

CRIMINAL NO. 03-10350-RCL

JOINT SUBMISSION OF THE PARTIES UNDER L.R. 116.5(C)

Pursuant to Local Rule 116.5(C), the parties state as follows:

(1) Outstanding Discovery

There are no outstanding automatic discovery issues not yet presented to or resolved by the Court. However, depending on the government's response to the defendant's motion to suppress (which was filed on April 2, 2004), Defendant may seek additional discovery relating to a heroin smuggling case against an individual named Olaleye Ojo, out of the Central District of California.

(2) Additional Discovery

Other than the discovery issue referenced above, the parties do not anticipate providing any additional discovery, aside from discovery required to be produced at a later date pursuant to the Local Rules governing discovery and Fed. R. Crim. P. 16.

(3) Insanity or Public Authority Defenses

Defendant does not intend to raise a defense of insanity or public authority.

(4) Notice of Alibi Defense

The government has requested notice of alibi, and defendant does not intend to offer an alibi defense.

(5) Motions Requiring Ruling by District Court

Defendant filed a motion to suppress on or before April 2, 2004. The government's response is due on April 16, 2004.

(6) Scheduling and Plea Negotiations

The parties have discontinued plea negotiations, pending the disposition of Defendant's motion to suppress.

(7) Periods of Excludable Delay

In addition to the periods previously excluded by this Court's orders dated December 3, 2003, January 13, 2004, March 3, 2004, and March 17, 2004, there are thirteen (13) days of nonexcludable time under the Speedy Trial Act (December 31, 2003 to January 12, 2004), and fifty-seven (57) days remaining under the Speedy Trial Act within which this case must be tried. The parties hereby request that the period between today's status conference (March 3, 2004) and the date of any subsequent status conference be excluded from the calculations of the Speedy Trial Act, in the interests of justice.

(8) Anticipated Length of Trial

It is anticipated that a trial will last one week.

(9) Date for Future Status Conferences

The parties request a further final status conference to

resolve any discovery issues discussed above.

Respectfully submitted,

PAGE KELLEY, Esquire

MICHAEL J. SULLIVAN
United States Attorney

Page Kelley by [Signature]
for defendant HABEEB AZEEZ

By:

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